



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,268	02/24/2000	Makiko Mori	862.C1847	5969

5514 7590 11/05/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 11/05/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/512,268

Applicant(s)

MORI ET AL.

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 16, 2003 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaun Kerigan et al (EP 0 778 516 A2) in view of Kim (US Patent No. 6,172,719 B1).

In considering claim 1, Shaun Kerigan et al discloses all the claimed subject matter, note 1) the claimed first detection means for detecting a first environment of the controller is met by the host system 12 which detects a change when the peripherals have sent in new data (Fig. 1, page 3, lines 37-47), 2) the claimed first adjustment

Art Unit: 2614

means, arranged in the controller, for adjusting a first characteristic of the image display device is met by the host system then changes the display data in step 30 to account for these new inputs as necessary, an example of new information might be OpenGL commands to the display adapter or brightness or focus adjustments to an optical projector (Figs. 1 and 2, page 3, lines 37-56), and 3) the claimed control means for selectively operating one of said first and second adjustment means in accordance with each detection result of said first detection means and second detection means is met by the host system 12 (Figs. 1 and 2, page 2, line 56 to page 3, line 56).

However, Shaun Kerigan et al explicitly does not specifically disclose the claimed second detection means for detecting a second environment of the image display device and second adjustment means, arranged in the image display device, for adjusting the second characteristic of the image display device.

Kim teaches that referring to Fig. 2, the automatic color temperature control device according to the present invention includes a chromaticity sensing section 21 for sensing environmental brightness and color of the appliance, a temperature sensing section 28 for sensing an environmental temperature of the appliance, a microprocessor 22 for recognizing the environmental brightness, color and temperature in accordance with sensed signals outputted from the chromaticity sensing section 21 and the temperature sensing section 28, and outputting control signals for controlling a picture state of the appliance in response to the recognized environmental brightness, color and temperature (Fig. 2, col. 4, line 40 to col. 6, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the second detection and adjustment as taught by Kim into Shaun Kerigan et al's system in order to determine the optimum picture display condition whereby a viewer does not feel eye strain in accordance with the sensed brightness and color of the environment.

In considering claim 2, the claimed wherein said control means selectively operates one of said first and second adjustment means to performs an adjustment operation when each detection result of said first and/or second detection means changes not less than a predetermined degree is met by the referred to as "nature eyes" or "nature sensor" (col. 6, lines 20-42) of Kim.

In considering claim 3, the claimed wherein adjustment operations controlled by said control means are distributed between said first and second adjustment means in advance is met by the host system 12 (Figs. 1 and 2, page 2, line 56 to page 3, line 56) of Shaun Kerigan et al.

In considering claim 4, the claimed wherein the system further comprises transfer means for transferring the detection result of said second detection means between the image display device and the controller, said transfer means being capable of transferring an adjustment result obtained upon an adjustment operation by one of said first and second adjustment means in the image display device and the controller to the other one of the image display device and the controller, and wherein said controller selectively operates one of said second adjustment means of the image display device and said first adjustment means of the controller to performs necessary adjustment by

Art Unit: 2614

said one of said first and second adjustment means when the detection result transferred by said transfer means is an environmental change requiring adjustment by said one of said first and second adjustment means is met by the microprocessor 22 and the decoder and D/A converter of the video processor 20 (Fig. 1, col. 1, line 35 to col. 2, line 65) of Kim.

In considering claim 5, the claimed wherein said second detection means detects a change in brightness, and said first adjustment means of the controller performs an adjustment operation corresponding to a change in brightness is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62) of Kim.

In considering claim 6, the claimed wherein said second detection means detects a change in color temperature, and said second adjustment means of the image display device performs a color temperature adjustment operation is met by the white point control section 26 which controls the respective levels of the RGB primary color signals (Fig. 2, col. 5, line 63 to col. 6, line 7) of Kim.

In considering claim 7, the combination of Shaun Kerigan et al and Kim discloses all the limitations of the instant invention as discussed in claims 1 and 3 above, except for providing the claimed wherein said first detection means detects a busy telephone signal, and said second adjustment means of the image display device performs a volume adjustment operation to reduce noise in accordance with said detection means. Performing volume adjustment of the image display is old and well known in the art. Therefore, the Official Notice has been taken. It would have been obvious to one of

Art Unit: 2614

ordinary skill in the art at the time of the invention to incorporate the old and well known volume adjustment into the combination of Shaun Kerigan et al and Kim's system in order to change the audio level to the suitable levels for the user.

In considering claim 8, the claimed wherein an adjustment result of said second adjustment means is informed to the controller is met by the control signals outputted from the microprocessor 22 for controlling either brightness, contrast or color temperature of the picture display (Fig. 2, col. 5, line 48 to col. 6, line 7) of Kim.

Claims 9-16 are rejected for the same reason as discussed in claims 1-8, respectively.

Claim 17 is rejected for the same reason as discussed in claim 1.

Claim 18 is rejected for the same reason as discussed in claim 1.

In considering claim 19, the claimed wherein the adjustment operation is a contrast adjustment operation is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62) of Kim.

Claim 20 is rejected for the same reason as discussed in claim 19.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

Art Unit: 2614

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

TT TT  
November 2, 2003

  
**MICHAEL H. LEE**  
**PRIMARY EXAMINER**